

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #16	CCRB Case #: 201700728	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/22/2016 8:30 AM	Location of Incident: Manhattan SRG 1 stationhouse	Precinct: 10	18 Mo. SOL 10/22/2017	EO SOL 10/22/2017	
Date/Time CV Reported Sat, 01/28/2017 4:15 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 01/28/2017 4:15 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Stephen Polesovsky	17083	940589	SRG 1
2. SGT Stephen Solcany	05298	907369	SRG 1
3. POF Ana Montoya	10116	944822	SRG 1

Officer(s)	Allegation	Investigator Recommendation
A.POM Stephen Polesovsky	Discourtesy: Police Officer Stephen Polesovsky spoke discourteously to § 87(2)(b)	
B.POM Stephen Polesovsky	Abuse: Police Officer Stephen Polesovsky interfered with § 87(2)(b)'s use of a recording device.	
C.POM Stephen Polesovsky	Abuse: Police Officer Stephen Polesovsky threatened to arrest § 87(2)(b)	
D.SGT Stephen Solcany	Discourtesy: Sergeant Stephen Solcany spoke discourteously to § 87(2)(b)	
E.SGT Stephen Solcany	Abuse: Sergeant Stephen Solcany did not process § 87(2)(b)'s complaint regarding an officer.	
F.POM Stephen Polesovsky	Abuse: Police Officer Stephen Polesovsky refused to provide his name and shield number to § 87(2)(b)	
G.POM Stephen Polesovsky	Abuse: Police Officer Stephen Polesovsky did not process § 87(2)(b)'s complaint regarding an officer.	
H.POM Stephen Polesovsky	Abuse: Police Officer Stephen Polesovsky threatened to seize § 87(2)(b)'s property.	
I.POM Stephen Polesovsky	Abuse: Police Officer Stephen Polesovsky threatened to arrest § 87(2)(b)	
J.POM Stephen Polesovsky	Abuse: Police Officer Stephen Polesovsky threatened to arrest § 87(2)(b)	
K.POF Ana Montoya	Abuse: Police Officer Ana Montoya did not process § 87(2)(b)'s complaint regarding an officer.	

Case Summary

On January 28, 2017, § 87(2)(b) filed this complaint on behalf of § 87(2)(b) online via the CCRB website. This complaint was filed approximately nine months after the date of incident.

On April 22, 2016, at approximately 8:30 a.m., § 87(2)(b) entered the Manhattan SRG1 stationhouse, in Manhattan, to provide § 87(2)(b) ID in order for PO Polesovsky to issue her a summons. At the stationhouse, PO Stephen Polesovsky informed § 87(2)(b) that someone had been putting “dog shit” on the side door of his car and he caught § 87(2)(b) leaving “dog shit” (**Allegation A**). While speaking with PO Polesovsky, § 87(2)(b) took his phone out in an attempt to record the incident, but PO Polesovsky allegedly screamed, “You are trespassing, leave now” (**Allegation B**). Following this statement, PO Polesovsky told § 87(2)(b) “Final warning you’re trespassing, you will be arrested immediately” (**Allegation C**). § 87(2)(b) and § 87(2)(b) both left the stationhouse shortly after.

Approximately an hour later, § 87(2)(b) returned to the SRG1 stationhouse in an attempt to speak with a supervisor. § 87(2)(b) waited outside the stationhouse until an officer came out because he did not want to be arrested for trespassing. Sgt. Stephen Solcany exited the stationhouse and informed § 87(2)(b) that PO Polesovsky was mad because someone had been putting “dog shit” on PO Polesovsky’s car (**Allegation D**). § 87(2)(b) expressed to Sgt. Solcany that he did not wish to speak with PO Polesovsky. § 87(2)(b) requested to file a complaint against PO Polesovsky numerous times, but Sgt. Solcany did not assist § 87(2)(b) in doing so and had PO Polesovsky come out to speak with him instead (**Allegation E**). Sgt. Solcany returned inside the stationhouse and PO Polesovsky came out to speak with § 87(2)(b). At some point during their conversation, § 87(2)(b) asked PO Polesovsky for his name and badge number and in response PO Polesovsky told § 87(2)(b) “I don’t have to give you shit” (**Allegation F and subsumed within Allegation A**). § 87(2)(b) also informed PO Polesovsky that he wanted to file a complaint (**Allegation G**). PO Polesovsky told § 87(2)(b) that if he saw his dog peeing and the dog’s waste not fully cleaned up, he is going to impound his dog and arrest him (**Allegation H and I**). PO Polesovsky also added that if § 87(2)(b)’s dog was off the leash for more than a second, he is going to arrest § 87(2)(b) and § 87(2)(b) (**subsumed within Allegation I and Allegation J**). Approximately 15 minutes later, PO Polesovsky returned inside the stationhouse and PO Ana Montoya came out and spoke with § 87(2)(b). § 87(2)(b) informed PO Montoya that he wanted to file a complaint and requested a complaint form, but PO Montoya told § 87(2)(b) to come back another time because of PO Polesovsky’s demeanor at the time (**Allegation K**). § 87(2)(b) entered the SRG1 stationhouse and was eventually provided with a CCRB complaint form. § 87(2)(b) left the stationhouse without having filed his complaint.

There is no video evidence in this case.

This case exceeds the 90 day benchmark by 30 days because it took 30 days before a sworn statement was obtained from § 87(2)(b).

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation during his CCRB interview.

- As of March 21, 2017, § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim (Board Review 06).
- None of the civilian involved in this case has an arrest history (Board Review 07-09).
- During a call on February 2, 2017, § 87(2)(b) stated that she paid a fine for the summons she was issued.

Civilian and Officer CCRB Histories

- This is § 87(2)(b) and § 87(2)(b) first CCRB complaint (Board Review 10-12).
- Sgt. Solcany has been a member of the NYPD for 23 years and has had two prior CCRB allegations pleaded against him in one case; none of his previous allegation have been substantiated § 87(2)(g)
- PO Polesovsky has been a member of the NYPD for 11 years and has had 21 prior CCRB complaints pleaded against him in nine cases; one of the allegations in his previous complaints was substantiated.
 - In case number 200615874, the Board recommended that a refusal to provide name/shield number allegation be substantiated. Command Discipline was recommended for the substantiated allegation and the NYPD imposed instructions.
- PO Montoya has been a member of the NYPD for nine years and has had no prior CCRB complaints.

Findings and Recommendations

Allegations not pleaded

Abuse of Authority: Threat to seize property and Threat of arrest

In his CCRB testimony, PO Polesovsky acknowledged that he told § 87(2)(b) if her ID was not produced she was going to jail and the dog would have to be brought to the “110th Street pound” to be supervised while her arrest is processed (Board Review 04). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation A – Discourtesy: Police Officer Stephen Polesovsky spoke discourteously to § 87(2)(b)

Allegation F – Abuse of Authority: Police Officer Stephen Polesovsky refused to provide his name and shield number to § 87(2)(b)

It is in dispute whether or not PO Polesovsky refused to provide his name and shield number to § 87(2)(b) and if he used profanities when responding to § 87(2)(b)

In his CCRB testimony, § 87(2)(b) stated that upon entering the SRG1 stationhouse he spoke with PO Polesovsky to ascertain what happened with § 87(2)(b) (Board Review 01). In response, PO Polesovsky stated that someone had been putting “dog shit” on the side door of his car and he caught § 87(2)(b) leaving dog “shit.” Additionally, when § 87(2)(b) stated that he asked PO

Polesovsky for his name and shield number multiple times during the incident PO Polesovsky replied, “I don’t have to give you shit.”

§ 87(2)(b) did not provide a statement to the CCRB.

PO Polesovsky stated that when § 87(2)(b) entered the stationhouse he asked why § 87(2)(b) was being issued a summons (Board Review 04). PO Polesovsky stated that he did not know if he told § 87(2)(b) that the dog had defecated on the side of his car. However, he recalled telling § 87(2)(b) that § 87(2)(b) did not clean up the dog’s waste. When asked if he ever told § 87(2)(b) that someone had been putting “dog shit” on the side door of his car, PO Polesovsky initially stated, “Possibly.” Immediately after PO Polesovsky’s response, Patrol Benevolent Association representative Kate Conlin, asked PO Polesovsky if he said the word “shit,” and PO Polesovsky responded, “I don’t know.” PO Polesovsky also later stated during his interview that he did not recall if he used any profanities. Additionally, Polesovsky did not recall § 87(2)(b) asking for his name and shield number and did not recall if he provided his name and shield to § 87(2)(b) at any point. However, PO Polesovsky denied saying, “I don’t have to give you shit.”

In her CCRB testimony, PO Montoya did not recall if she saw PO Polesovsky interacting with § 87(2)(b) (Board Review 02). PO Montoya also did not recall hearing PO Polesovsky saying the phrase “dog shit” and denied hearing PO Polesovsky using any profanities. Moreover, PO Montoya did not know if § 87(2)(b) asked PO Polesovsky for his name and shield number and did not recall hearing PO Polesovsky tell § 87(2)(b) “I don’t have to give you shit.”

In his CCRB statement, Sgt. Solcany denied hearing any of the conversation between § 87(2)(b) and PO Polesovsky (Board Review 03). Sgt. Solcany stated that he did not recall PO Polesovsky saying that someone had been putting dog shit on the side of his car or that he caught her leaving dog shit. Additionally, Sgt. Solcany stated that he did recall PO Polesovsky saying the word “shit,” or using any profanities. Sgt. Solcany also did not recall hearing § 87(2)(b) asking PO Polesovsky for his name and shield number or PO Polesovsky telling § 87(2)(b) “I don’t have to give you shit.”

§ 87(2)(g)

Allegation B – Abuse of Authority: Police Officer Stephen Polesovsky interfered with § 87(2)(b)’s use of a recording device.

Allegation C – Abuse of Authority: Police Officer Stephen Polesovsky threatened to arrest § 87(2)(b)

It is in dispute whether or not PO Polesovsky prevented § 87(2)(b) from recording the incident and whether or not § 87(2)(b)’s actions constituted as trespassing is in dispute. However, it is undisputed that PO Polesovsky threatened to arrest § 87(2)(b) for trespassing during the incident.

In his CCRB statement, § 87(2)(b) stated that as he spoke with PO Polesovsky inside the stationhouse he took out his phone and informed PO Polesovsky that he wanted to document the

incident (Board Review 01). PO Polesovsky began screaming, “You are trespassing, leave now.” § 87(2)(b) then told PO Polesovsky that he was not trespassing and that he had a right to record. In response, PO Polesovsky told § 87(2)(b) “Final warning, you’re trespassing, you will be arrested immediately.” § 87(2)(b) left after PO Polesovsky’s second instruction to leave. § 87(2)(b) stated that he was calm during the incident. During this particular incident, § 87(2)(b) did not identify Sgt. Solcany or PO Montoya as being present.

§ 87(2)(b) did not provide a statement to the CCRB.

In his CCRB testimony, PO Polesovsky did not recall if § 87(2)(b) had his cellphone out or recall § 87(2)(b) stating that he wanted to document the incident (Board Review 04). Additionally, PO Polesovsky stated that he did not recall if § 87(2)(b) indicated that he was going to record the incident. PO Polesovsky initially stated that civilians are allowed to record inside the stationhouse, but then stated that video recording might be sensitive due to some of the things in the stationhouse, such as the armory, that could be considered sensitive information. However, PO Polesovsky denied telling § 87(2)(b) that he could not record inside the stationhouse. PO Polesovsky stated that while he was writing § 87(2)(b) a summons, § 87(2)(b) was confrontational and combative which made § 87(2)(b) upset again. § 87(2)(b) was raising his voice and was repeatedly asking what the grounds for stopping § 87(2)(b) were and asked “who did they think they were.” PO Polesovsky told § 87(2)(b) that he had to leave because he was making the situation worse. PO Polesovsky did not recall § 87(2)(b)’s response but stated that he was still being confrontational and stated that he did not want to leave. PO Polesovsky issued a second warning shortly after and told § 87(2)(b) that if he did not leave the stationhouse he would be placed under arrest for trespassing. PO Polesovsky did not recall § 87(2)(b)’s response, but stated that § 87(2)(b) left after the second warning was given. PO Polesovsky stated that § 87(2)(b) was inside the stationhouse for approximately 10 minutes and aside from § 87(2)(b) and § 87(2)(b) there were no additional civilians inside the stationhouse at the time.

In his CCRB statement, Sgt. Solcany recalled § 87(2)(b) appearing to be unhappy and complaining about § 87(2)(b) being issued a summons, but he stated that § 87(2)(b)’s demeanor was normal and that he did not recall anything distinctive about his demeanor (Board Review 03). Sgt. Solcany denied hearing the conversation between § 87(2)(b) and PO Polesovsky. Additionally, Sgt. Solcany did not recall seeing § 87(2)(b)’s cellphone out or hearing him indicate that he was recording. Sgt. Solcany also did not recall hearing PO Polesovsky tell § 87(2)(b) that he was trespassing and that he had to leave or saying, “Final warning you are trespassing you will be arrested immediately.” Furthermore, Sgt. Solcany did not recall suspecting § 87(2)(b) of trespassing inside the stationhouse.

In her CCRB testimony, PO Montoya stated that § 87(2)(b) was being combative because he was raising his voice and refused to provide his ID when she asked him to do so (Board Review 02). However, from what she saw, § 87(2)(b) was not trespassing and was not committing any crimes at the time. PO Montoya did not recall PO Polesovsky telling § 87(2)(b) that he was trespassing or saying, “Final warning, you are trespassing, you will be arrested immediately.”

§ 87(2)(g)

§ 87(2)(g)

From § 87(2)(b)'s testimony, he entered the stationhouse twice on the date of incident. However, none of the officers recalled this occurrence. Additionally, § 87(2)(b) stated that when he initially entered the stationhouse he only interacted with PO Polesovsky. § 87(2)(g)

Allegation D – Discourtesy: Sergeant Stephen Solcany spoke discourteously to § 87(2)(b)

It is in dispute whether or not Sgt. Solcany used profanities while speaking to § 87(2)(b)

§ 87(2)(b) alleged that when he returned to the stationhouse he spoke with Sgt. Solcany outside of the stationhouse (Board Review 01). Sgt. Solcany informed § 87(2)(b) that PO Polesovsky was mad because someone had been putting “dog shit” on PO Polesovsky’s car.

§ 87(2)(b) did not provide a statement during the CCRB investigation.

During the interview, Sgt. Solcany used the word defecate when describing the dog waste. Sgt. Solcany stated that he did not recall speaking with § 87(2)(b) outside the stationhouse or informing § 87(2)(b) that PO Polesovsky was mad (Board Review 03). Furthermore, he did not recall telling § 87(2)(b) that somebody had been putting “dog shit” on PO Polesovsky’s car.

PO Montoya denied hearing the conversation between Sgt. Solcany and § 87(2)(b). PO Montoya denied hearing Sgt. Solcany tell § 87(2)(b) that someone had been putting “dog shit” on PO Polesovsky’s car (Board Review 02). She also denied hearing Sgt. Solcany say the word “shit.”

PO Polesovsky stated that he did not hear Sgt. Solcany saying “dog shit” and did not recall Sgt. Solcany using any profanities during the incident (Board Review 04).

§ 87(2)(g)

Allegation E – Abuse of Authority: Sergeant Stephen Solcany did not process § 87(2)(b) s complaint regarding an officer.

Allegation G – Abuse of Authority: Police Officer Stephen Polesovsky did not process § 87(2)(b) s complaint regarding an officer.

Allegation K – Abuse of Authority: Police Officer Ana Montoya did not process § 87(2)(b) s complaint regarding an officer.

It is undisputed that § 87(2)(b) requested to file a CCRB complaint at the SRG1 stationhouse. It is also undisputed that § 87(2)(b) was provided a complaint form, but a complaint was never filed on the date of incident. However, it is in dispute whether § 87(2)(b) told PO Polesovsky that he wanted to file a complaint.

In his CCRB testimony, § 87(2)(b) stated that he returned to the stationhouse alone and spoke with Sgt. Solcany outside the stationhouse (Board Review 01). § 87(2)(b) informed Sgt. Solcany that he wanted to file a complaint against PO Polesovsky. In response, Sgt. Solcany asked § 87(2)(b) if he wanted PO Polesovsky to come out and speak with him. § 87(2)(b) told Sgt. Solcany that he did not want to speak with PO Polesovsky and that he wanted to file a complaint. § 87(2)(b) stated that he asked Sgt. Solcany to file a complaint possibly 50-100 times. § 87(2)(b) stated that Sgt. Solcany did not explicitly refuse to assist him, but stated that it appeared as if Sgt. Solcany was just trying to disregard his request. At times, Sgt. Solcany also told § 87(2)(b) that he could file a complaint online. Sgt. Solcany did not help § 87(2)(b) file a complaint and instead returned into the stationhouse and PO Polesovsky came out to speak with § 87(2)(b). § 87(2)(b) had a brief conversation with PO Polesovsky outside the stationhouse. During this interaction, § 87(2)(b) requested to file a complaint, but PO Polesovsky never assisted him in filing the complaint. PO Polesovsky returned inside the stationhouse and PO Montoya exited and spoke with § 87(2)(b). § 87(2)(b) informed PO Montoya that he wanted to file a complaint and requested a complaint form. In response, PO Montoya told § 87(2)(b) to come back another time because PO Polesovsky was not in a good state. Eventually, § 87(2)(b) followed PO Montoya inside the stationhouse. Inside, Sgt. Solcany and various officers told § 87(2)(b) that they could not find the complaint forms, the computer and printer was not working, and also told him that they did not have the right size paper. At some point towards the end of the incident, Sgt. Solcany handed § 87(2)(b) “half” of a complaint form and a crumpled piece of paper which had an officer’s name scribbled. § 87(2)(b) stated that the form looked as though part of the page had been cut off when printed. Sgt. Solcany did not provide § 87(2)(b) with any instructions after handing him the form. § 87(2)(b) left the stationhouse thereafter. During his CCRB interview, § 87(2)(b) stated that he was unable to file a complaint at the stationhouse and that he was at the stationhouse for approximately 90 minutes to 3 hours before he was provided with the complaint form.

In his CCRB testimony, Sgt. Solcany stated that at some point during the incident, he was aware that § 87(2)(b) requested to file a complaint against PO Polesovsky (Board Review 03). Sgt. Solcany did not indicate how he was made aware that § 87(2)(b) wanted to file a complaint. Sgt. Solcany did not know who § 87(2)(b) directed this request towards and did not recall if § 87(2)(b) specifically stated that he wanted to file a complaint in person at the stationhouse. Sgt. Solcany stated that he did not recall asking § 87(2)(b) if he wanted to speak to PO Polesovsky first. Sgt. Solcany also did not recall what § 87(2)(b) said when he stated that he wanted to file a

complaint or how many times § 87(2)(b) asked to file a complaint. Sgt. Solcany did not recall his response to § 87(2)(b)'s request, but stated that at some point someone handed § 87(2)(b) a complaint form. Sgt. Solcany did not recall how long after § 87(2)(b) had requested to file a complaint was then a complaint form was given to him. During the interview, Sgt. Solcany stated that he did not think § 87(2)(b) had a complaint at the time and did not see where § 87(2)(b)'s complaint was coming from. Sgt. Solcany stated that a complaint form was provided to appease § 87(2)(b). Sgt. Solcany initially denied interviewing § 87(2)(b) but Sgt. Quinn interjected and asked "Do you recall," which prompted Sgt. Solcany to say, "No." When asked again for clarification, Sgt. Solcany stated that he interviewed § 87(2)(b) by telling § 87(2)(b) that he could either fill it out at the stationhouse or bring it back at another time. Sgt. Solcany stated that he did not recall telling § 87(2)(b) that there were other options in which he could file a complaint. Additionally, Sgt. Solcany did not recall there being any difficulties in regards to providing the complaint form to § 87(2)(b) and did not recall informing § 87(2)(b) of any difficulties. Sgt. Solcany did not recall if § 87(2)(b) told PO Montoya or PO Polesovsky that the wanted to file a complaint. Additionally, Sgt. Solcany stated that he did not recall PO Montoya telling § 87(2)(b) to come back another time to file a complaint.

In his CCRB statement, PO Polesovsky stated that at some point after § 87(2)(b) left the stationhouse, Sgt. Solcany notified him that § 87(2)(b) wanted to speak with him in regards to what happened (Board Review 04). PO Polesovsky stated that he was not provided with any additional information. PO Polesovsky subsequently went outside the stationhouse and spoke with § 87(2)(b) who was still upset about the incident regarding § 87(2)(b) receiving the summons. PO Polesovsky did not recall if § 87(2)(b) indicated that he wanted to file a complaint, but stated that § 87(2)(b) might have done so. PO Polesovsky did not recall hearing § 87(2)(b) speaking to a supervisor and requesting to file a complaint during the incident. He also denied seeing any officers giving § 87(2)(b) any complaint paperwork. PO Polesovsky stated that he did not recall PO Montoya being present during the incident.

PO Montoya stated that when § 87(2)(b) came to the stationhouse to provide § 87(2)(b) ID, § 87(2)(b) told her that he wanted to file a complaint and was trying to get information on how to file a complaint (Board Review 02). PO Montoya did not recall how many times § 87(2)(b) asked to file a complaint. When asked if § 87(2)(b) ever indicated who he was filing a complaint against, PO Montoya stated that it was obvious that it was against the officer (PO Polesovsky) who wrote § 87(2)(b) a summons because § 87(2)(b) was with the dog during the incident. In response, PO Montoya told § 87(2)(b) that he could go inside the stationhouse and speak to the supervisor. PO Montoya did not recall telling § 87(2)(b) to come back another time because PO Polesovsky was "hotheaded" or that he was not in a good state. Moreover, PO Montoya did not recall telling § 87(2)(b) that he could not file a complaint at the time. PO Montoya stated that § 87(2)(b) was given a complaint sheet to fill out and was supposed to speak with Sgt. Solcany. At some point, Sgt. Solcany directed PO Montoya to provide § 87(2)(b) with paperwork to file a CCRB complaint. She did not recall if there were any difficulties with obtaining the sheet and did not recall informing § 87(2)(b) of any difficulties. PO Montoya provided § 87(2)(b) with the complaint sheet and verbally informed him of the options of how to file a CCRB. PO Montoya stated that she provided the CCRB's address, email, phone number, fax number, and the other options of how he could file a CCRB which were posted on the wall. PO Montoya did not recall § 87(2)(b)'s response. PO Montoya stated that she did not recall how long § 87(2)(b) stayed in the

stationhouse, but stated that after she provided the complaint sheet she returned to her stationhouse duties and stated that § 87(2)(b) was supposed to speak with Sgt. Solcany.

According to the SRG1 Command log, Sgt. Solcany created an entry at 12:50 p.m. documenting that a male white wanted to make a CCRB complaint and that he left after taking the CCRB paperwork (Board Review 05). Sgt. Solcany affirmed that he made the entry, but the entry did not aid in his recollection of the incident.

As per Patrol Guide Procedure 207-31, when a complaint is made in person the officer must (Board Review 13):

- 1) interview complainant;
- 2) give complainant first copy of Civilian Complaint Report to be prepared in complainant's own handwriting;
- 3) furnish assistance or allow other person to assist in preparing the form;
- 4) have complainant sign form.

If a person does not want to immediately make a complaint:

- 1) provide the complainant with the first copy of Civilian Complaint report;
- 2) Advise complainant that the complaint may be delivered in person, taken over the telephone, or sent by mail, in addition, provide the complainant with the telephone number of the CCRB Intake Unit;
- 3) when a member of service receives a request for a Civilian Complaint Report, the desk officer/supervisor will be advised and a Command Log entry will immediately be made and shall include the name of the complainant, if provided, physical description, e.g., sex, race, age, and any other pertinent information.

§ 87(2)(g)

[REDACTED]

Sgt. Solcany and PO Montoya both acknowledged that § 87(2)(b) indicated that he wanted to file a complaint against PO Polesovsky at the stationhouse. PO Polesovsky acknowledged that § 87(2)(b) returned to the stationhouse, but stated that he did not have a complete recollection of their conversation. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

PO Montoya stated that she provided a CCRB complaint sheet to § 87(2)(b) and also informed him of several options in which he could file a complaint, giving § 87(2)(b) adequate information to file a complaint. PO Montoya did not know what occurred after she handed § 87(2)(b) the complaint sheet. However, PO Montoya denied telling § 87(2)(b) that he had to come back another time. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation H – Abuse of Authority: Police Officer Stephen Polesovsky threatened to seize § 87(2)(b)'s property.

Allegation I – Abuse of Authority: Police Officer Stephen Polesovsky threatened to arrest § 87(2)(b)

Allegation J – Abuse of Authority: Police Officer Stephen Polesovsky threatened to arrest § 87(2)(b)

It is in dispute whether or not PO Polesovsky threatened to impound § 87(2)(b)'s dog and threatened to arrest § 87(2)(b) and § 87(2)(b)

In his CCRB testimony, § 87(2)(b) alleged that while he was outside with PO Polesovsky, PO Polesovsky threatened to impound his dog and arrest him if he saw that § 87(2)(b)'s dog's urine was not fully cleaned up (Board Review 01). PO Polesovsky also threatened to arrest § 87(2)(b) and § 87(2)(b) if § 87(2)(b)'s dog was off the leash for more than a second. § 87(2)(b) stated that he was calm and denied raising his voice or using any profanities when speaking with PO Polesovsky. § 87(2)(b) was not present during this incident.

PO Polesovsky denied telling § 87(2)(b) that if his dog's urine was not fully cleaned up he would impound his dog and arrest him or telling him that if his dog was off the leash for more than a second he was going to arrest him and § 87(2)(b) (Board Review 04). PO Polesovsky denied ever telling § 87(2)(b) that he would impound his dog and denied threatening to arrest § 87(2)(b) in regards to his dog. PO Polesovsky acknowledged that there was nothing § 87(2)(b) could have been arrested for when he spoke with him the second time outside the stationhouse. However, PO Polesovsky stated that if a dog is off the leash then that would be an arrestable offense because a summons is in lieu of arrest. PO Polesovsky stated that the charge would have been "dog off

leash.” A dog that is unrestrained is a violation of the New York City Health Code and the person may be issued a summons for such offense (Board Review 14).

As mentioned earlier, neither PO Montoya nor Sgt. Solcany was present during the interaction between PO Polesovsky and § 87(2)(b) outside of the stationhouse. PO Montoya denied hearing PO Polesovsky tell § 87(2)(b) that he was going to impound his dog or that he was going arrest § 87(2)(b) or § 87(2)(b) if the dog was off the leash for more than one second (Board Review 02). Sgt. Solcany did not recall PO Polesovsky telling § 87(2)(b) that he would impound his dog if he saw his dog urine not cleaned up and did not recall hearing PO Polesovsky threatening to arrest § 87(2)(b) for not cleaning up after his dog (Board Review 03). Moreover, Sgt. Solcany did not recall PO Polesovsky telling § 87(2)(b) that if his dog was off the leash for more than one second he would arrest § 87(2)(b) and § 87(2)(b).

§ 87(2)(g)

Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date